



USA v. DeLeon- Proposed SJQ w Govt. Objections

Ryan Villa

to:

Chambers of Judge Browning

11/17/2017 04:27 PM

Cc:

James Browning, "Wild, K'Aun", "Armijo, Maria (USANM)", "Harbour-Valdez, Cori", "mlowry@rothsteinlaw.com", Theresa Duncan, "Jacks, Amy", "Sirignano, Amy", "Chris Adams", "Davis, Michael", "Bhalla, Carey", "Blackburn, Billy", "Castle, Jim", "Cooper, Robert", angela arellanes, "Fox-Young, Justine", "Brock Benjamin", Donavon Roberts, "Jeff Lahann", "Patrick J. Burke", "John Granberg"

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1 Attachment



SUPPLEMENTAL JUROR QUESTIONNAIRE.-Final to Court w Govt Objs.docx

Good Afternoon:

Attached please find the proposed SJQ in this matter. The parties have removed the questions in the SJQ that are redundant to those in the VDQ. The parties have also conferred on disputed questions and have agreed on all disputes except those in bold and italics, which include: 43-45, 51, 68, and 72(b). For these questions, the defense wishes the questions to remain in the SJQ. The Government objects and requests they be taken out.

Thank you for your consideration of this matter.

Ryan J. Villa

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 15-4268 JB

ANGEL DELEON, et al.,

Defendants.

SUPPLEMENTAL JUROR QUESTIONNAIRE

As a prospective juror in this case, you are being asked to fill out a questionnaire reflecting your personal attitudes and experience. We ask that you complete this questionnaire, to inform us of your present situation and the perspectives you bring to court at this time. The questions are asked not to invade your privacy, but to make sure that you can be a fair and impartial juror *in this particular case*, though questions contained in the questionnaire may have nothing to do with the facts of this case. If there is any reason why you might not be able to listen openly to both the prosecution and the defense, it is important that you say so.

The questionnaires will be viewed only by the judge, court personnel, and the legal teams for the prosecution and defense. At no time will they be made available to the media or the public.

There are no right or wrong answers, only complete and honest answers. Please respond to *each* question as honestly and completely as you can, based on your best understanding of the questions. Do not leave any questions blank. If a particular question does not apply to you, write "N/A" in the space provided for the answer. Upon completion of the questionnaire, you are required to sign and date the Juror's Oath. Your answers will have the effect of a statement given to the Court under oath.

You should not discuss this case or the questionnaire with anyone, including your family and fellow jurors. Nor should you do any research in reference to this questionnaire. Research includes using the internet or any type of social media to attempt to find further information about this subject or case. Your answers must be your own. If you need more space for your responses, or wish to make further comments about any of your answers, please use the extra sheet at the back of the questionnaire. Thank you for your patience and honesty.

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JUDGE JAMES BROWNING

**BACKGROUND:**

1. Please tell us the following about your job. (If not currently employed, tell us about your last job.)

a. Where do you work? \_\_\_\_\_

b. How long have you worked there? \_\_\_\_\_

c. What are your job title(s) and duties: \_\_\_\_\_

d. Do you supervise others as part of your job? \_\_\_\_ YES \_\_\_\_ NO

e. Do you have responsibility for hiring or firing others? \_\_\_\_ YES \_\_\_\_ NO

2. What other jobs have you held?

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3. Marital status: \_\_\_\_ Married for \_\_\_\_ years

\_\_\_\_ Divorced \_\_\_\_ Separated \_\_\_\_ Widowed

\_\_\_\_ Never married \_\_\_\_ Living with someone

4. Spouse's or significant other's current occupation and employer:

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5. If you have children or stepchildren, tell us the following, whether or not they are living in your household.

Gender	Age	Education Level	Occupation

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6. If you have grandchildren, please tell us how many, their ages and occupations, if employed:

# of Male(s): \_\_\_\_\_ Ages: \_\_\_\_\_

Occupations: \_\_\_\_\_

# of Female(s): \_\_\_\_\_ Ages: \_\_\_\_\_

Occupations: \_\_\_\_\_

7. Do you have brothers or sisters? \_\_\_ YES \_\_\_ NO

If YES, please list by gender, age and occupation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. What are/were (if deceased or retired) your parents' occupations?

Father: \_\_\_\_\_

Mother: \_\_\_\_\_

9. If you, or a close relative, have had military experience, indicate who (relation to you) the branch of service and rank at discharge:

a. Who (relation to you)? \_\_\_\_\_

b. What special schools or training did they receive?

\_\_\_\_\_

c. Did they see or participate in combat? \_\_\_ YES \_\_\_ NO If YES, please explain circumstances.

\_\_\_\_\_  
\_\_\_\_\_

10. If you attended college or vocational school, please tell us:

Major areas of study: \_\_\_\_\_

What degrees or certificates did you earn? \_\_\_\_\_

11. Have you ever taken any courses or had any training in the following areas:

\_\_\_ Law \_\_\_ Law enforcement \_\_\_ Criminology/Penology \_\_\_ Investigation

\_\_\_ Forensics \_\_\_ Any health related field \_\_\_ Psychology/Social Work

Please describe: \_\_\_\_\_

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12. Have you acquired any experience, training or knowledge in firearms, fingerprinting, fingerprint identification, chemical or DNA analysis, traumatic injury, autopsies, or any other forensic field?

☐ YES ☐ NO If YES, please explain.

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13. Have you, or any friends, relatives or acquaintances applied, worked or volunteered for any regulatory or law enforcement agency, which has as a part of its responsibilities the enforcement of any state or federal laws? ☐ YES ☐ NO

If YES, please state what type of law enforcement, where and when, in what capacity and in what specialty. \_\_\_\_\_

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14. Have you or any relatives, friends or acquaintances worked in security or investigative services?

☐ YES ☐ NO

If YES, please state who (their relation to you), where, when and circumstances.

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15. Have you or any relatives, friends or acquaintances ever worked in a prison, jail, detention center or for probation services? ☐ YES ☐ NO

If YES, please state who, where, when and circumstances.

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16. Have you or any friends or acquaintances ever visited a prison, jail or detention center?

☐ YES ☐ NO If yes, please state who (relation to you) and explain the circumstances:

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17. What bumper stickers, if any, do you have on your vehicle? \_\_\_\_\_

18. What religious, civic, social, union, professional, fraternal, political or recreational organizations have you joined or participated in, and what offices, if any, have you held in these organizations?

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19. Have you, any family members or close friends participated in, or contributed money to, any group such as Crime Stoppers, MADD, SADD, neighborhood watch programs, shelters or crisis centers, the National Rifle Association, Gun Owners of America, American Civil Liberties Union (ACLU), Black Lives Matter, Planned Parenthood, Indivisible, or any group that takes public positions on criminal justice issues (including gang violence, prison expansion and prisoner rights)?

\_\_\_ YES \_\_\_ NO

If YES, please tell us who was involved, at what level, and the nature and position of the group.

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a. What led you to join? \_\_\_\_\_

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b. What was the extent of your participation? \_\_\_\_\_

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c. Do you own any weapons? \_\_\_ YES \_\_\_ NO

If YES, what type(s) of weapons do you own, and for what purpose(s)?

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20. Do you have any religious affiliation or preference? \_\_\_ YES \_\_\_ NO

If yes, how often do you attend your place of worship? \_\_\_\_\_

In what ways, if at all, might your religious view or philosophical beliefs affect your service as a juror? \_\_\_\_\_

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21. What is your current political affiliation?

☐ Republican ☐ Democrat ☐ Independent ☐ Libertarian ☐ Green Party

☐ Not registered to vote ☐ No party selected

Other (specify) \_\_\_\_\_

22. Have you ever sought or held political office? ☐ YES ☐ NO If YES, please give details:

\_\_\_\_\_

23. Have you worked in a political campaign? ☐ YES ☐ NO

If YES, please give name of the candidate, office sought, and issue(s) that led to your active support.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

24. How do you keep up with the news? (Check all that apply)

☐ Radio ☐ Television ☐ Newspaper ☐ Magazines

☐ Internet web/blogs/Twitter/Facebook

☐ Other \_\_\_\_\_

25. Which newspapers do you read, either in print or on line?

\_\_\_\_\_

How often? (check one) ☐ Regularly ☐ Somewhat ☐ A little ☐ Not at all

Which parts of the newspaper do you read regularly?

\_\_\_\_\_

26. Do you regularly listen to or watch any radio or television news or talk shows? ☐ YES ☐ NO

If YES, which ones? \_\_\_\_\_

27. What Internet or web sites do you frequent? \_\_\_\_\_

\_\_\_\_\_

a. Have you ever had a blog or followed a blog? ☐ YES ☐ NO If Yes, what was your blog?

\_\_\_\_\_

b. Do you regularly comment on blogs? \_\_\_ YES \_\_\_ NO If YES, which ones?

**CRIME AND GANGS:**

28. How big a problem is crime in your neighborhood? \_\_\_\_\_

29. What types of crime seem most common? \_\_\_\_\_

30. Are street gangs a problem in your neighborhood? \_\_\_ YES \_\_\_ NO

If YES, please explain. \_\_\_\_\_

31. What have you read or heard about gang involvement in drugs in New Mexico?

What was the source of your information? \_\_\_\_\_

32. What have you read or heard about gang activity in New Mexico?

33. What particular gangs have you heard of?

From what source(s)? \_\_\_\_\_

34. Have you, your family or close friends been affected in any way by gang activity, including being a



member of a gang or recruited by a gang?

☐ YES ☐ NO If YES, please explain.

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35. Have you, or anyone close to you, been the victim or witness of a crime, reported or not?

☐ VICTIM ☐ WITNESS ☐ NEITHER

If YES, please explain who (relation to you), when, and what happened.

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a. Was the incident gang related? ☐ YES ☐ NO

b. Was it drug-related in any way? ☐ YES ☐ NO

c. Was anyone arrested? ☐ YES ☐ NO

d. What was the outcome of the case? 

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d. If there was a trial, did you/they testify? ☐ YES ☐ NO

f. Did you/they think justice was served? Why or why not?

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#### CRIMINAL JUSTICE EXPERIENCE

36. Have you, any family members or close friends called, been interviewed by or made a report to the police, the FBI or any other local, state or federal law enforcement agency? ☐ YES ☐ NO

If YES, please explain circumstances:

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a. Would you describe your experience with law enforcement, which includes local police, FBI, or corrections/prison officials as positive ☐ or negative ☐? (Check one and explain)

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37. Would you be more likely to believe a law enforcement officer, including an FBI agent or prison official over any other witness in a court of law?

\_\_\_ YES \_\_\_ NO

a. Do you believe law enforcement officers, including FBI or prison officials are more likely to be truthful on the witness stand? \_\_\_ YES \_\_\_ NO Why or why not?

\_\_\_\_\_

\_\_\_\_\_

38. Have you or any member of your family or close friend been accused, arrested, charged or convicted of any offense other than a traffic ticket? \_\_\_ YES \_\_\_ NO

If YES, please state:

Who (relation to you)? \_\_\_\_\_

What crime? \_\_\_\_\_

When? \_\_\_\_\_

Was the incident gang related in any way? \_\_\_ YES \_\_\_ NO

Was it drug-related in any way? \_\_\_ YES \_\_\_ NO

Outcome? \_\_\_\_\_

If convicted, did the person serve jail or prison time? \_\_\_ YES \_\_\_ NO

39. Has someone you know served time in a New Mexico prison or jail? \_\_\_ YES \_\_\_ NO

If YES, who (relation to you), where, for how long? \_\_\_\_\_

\_\_\_\_\_

40. What have you seen, read or heard about violence between prisoners, and what prisoners do to protect themselves?

\_\_\_\_\_

\_\_\_\_\_

Source(s)? \_\_\_\_\_

41. What have you seen, read or heard about the use of solitary confinement in prisons?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Source(s)? \_\_\_\_\_

42. What have you seen, read or heard about gangs in prisons?

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Source(s)? 

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43. Do you believe that a prison inmate is entitled to be presumed innocent until proven guilty if he is being prosecuted for committing a crime while in prison? YES NO

Why or why not? 

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a. Do you think that it should be easier for the government to convict a prison inmate of a crime than a person who is not in prison? YES NO Why or why not?

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44. Have you ever been in a situation in which you felt like you, or someone you know, were in physical danger or feared being hurt or killed? YES NO If YES, please describe:

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45. Have you, or anyone close to you, ever been threatened with a weapon, including a knife or firearm?

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 YES NO If YES, describe the situation(s) and the weapon(s).

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46. Have you known anyone who was involved with drugs? YES NO

If YES, please explain who, relationship to you, nature of involvement, and particular drug(s).

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47. Do you support the legalization of marijuana? YES NO

48. Do you support the legalization of all controlled substances? \_\_\_\_ YES \_\_\_\_ NO

49. Have you, or anyone close to you, worked or volunteered in a program concerned with drug treatment or drug education, or joined any organization or campaign concerned with the use or abuse of drugs? \_\_\_\_ YES \_\_\_\_ NO.

If YES, please state who (relationship to you); name and purpose of program, organization or campaign; and extent of your participation. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

50. Do you think your feelings involving people who sell or use drugs, or your personal experiences involving drugs might influence you in a case where there are allegations of distribution of drugs? \_\_\_\_ YES \_\_\_\_ NO If YES, please explain:

\_\_\_\_\_

\_\_\_\_\_

#### **RACIAL QUESTIONS:**

**51. Please state your personal opinion about the following:**

**a. Hispanic men have been unfairly discriminated against by our criminal justice system.**

\_\_\_\_ Strongly agree      \_\_\_\_ Agree      \_\_\_\_ Agree somewhat  
 \_\_\_\_ Disagree      \_\_\_\_ Strongly disagree      \_\_\_\_ Don't know  
 \_\_\_\_ No opinion

**b. Hispanic males commit most of the violent crime in New Mexico.**

\_\_\_\_ Strongly agree      \_\_\_\_ Agree      \_\_\_\_ Agree somewhat  
 \_\_\_\_ Disagree      \_\_\_\_ Strongly disagree      \_\_\_\_ Don't know  
 \_\_\_\_ No opinion

**c. Hispanic males commit most drug offenses in New Mexico.**

\_\_\_\_ Strongly agree      \_\_\_\_ Agree      \_\_\_\_ Agree somewhat  
 \_\_\_\_ Disagree      \_\_\_\_ Strongly disagree      \_\_\_\_ Don't know  
 \_\_\_\_ No opinion

*d. Hispanic males are more likely to participate in violent gangs in New Mexico.*

☐ *Strongly agree*      ☐ *Agree*      ☐ *Agree somewhat*  
☐ *Disagree*      ☐ *Strongly disagree*      ☐ *Don't know*  
☐ *No opinion*

*e. Prison is not enough of a deterrent for Hispanic males engaging in drug crime and gang violence.*

☐ *Strongly agree*      ☐ *Agree*      ☐ *Agree somewhat*  
☐ *Disagree*      ☐ *Strongly disagree*      ☐ *Don't know*  
☐ *No opinion*

52. Do you believe that racial prejudice exists in this country today?

53. Do you have any bias for or against Hispanics?

☐ YES    ☐ NO

If YES, please explain: \_\_\_\_\_  
 \_\_\_\_\_

#### **CRIMINAL JUSTICE SYSTEM:**

54. What movies, books or TV programs about violent crime, the criminal justice system, prison life or gang activity have been of interest to you?

\_\_\_\_\_  
 \_\_\_\_\_

What did you learn? \_\_\_\_\_  
 \_\_\_\_\_

55. What criminal cases have you followed in the news?

\_\_\_\_\_  
 \_\_\_\_\_

Why were those cases of particular interest? \_\_\_\_\_

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56. Do you think if a person is brought to trial, there must be some truth to the charges, and it is likely that person is guilty under the law?    ☐ YES    ☐ NO    Please explain.

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a. Do you think if a person is brought to trial for being a member of a prison gang allegedly involved in crimes such as murder, assault and conspiracy, there must be some truth to the charges, and it is likely that person is guilty under the law?    ☐ YES    ☐ NO    Please explain.

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57. The judge will instruct you that the burden is on the prosecution to prove beyond a reasonable doubt that the defendant is guilty; it is not for the defense to prove that the defendant is not guilty. If, after hearing the evidence, you thought the defendant could be guilty, but you were not convinced beyond a reasonable doubt, would you be able to return a verdict of not guilty?    ☐ YES    ☐ NO

If NO, why not?

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58. If the charges are proven beyond a reasonable doubt, would you have any concerns about convicting the Defendant? Would you be in fear of retaliation if, after hearing the evidence and the instructions of the court, you came to a decision to vote guilty?    ☐ YES    ☐ NO

59. In a trial with multiple defendants who are alleged to be members of a gang, do you believe the charges against each defendant should be judged individually?    ☐ YES    ☐ NO

Why or why not? \_\_\_\_\_

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60. A person accused of a crime does not have to testify in his defense, and his silence may not be considered as evidence against him. How do you feel about that?

\_\_\_\_\_

\_\_\_\_\_

61. Do you know any employee of the Office of the United States Attorney for the District of New Mexico, or have you had any dealings with that office?                      YES                      NO

If YES, please explain:

62. Do you personally, or in connection with your business, have an interest (financial or otherwise) in any pending legal action or dispute with the United States, or any officer, agents or employees of the United States?                      YES                      NO    If YES, please explain:

63. Have you served on a jury?    ☐ YES    ☐ NO    If YES, please indicate:

a. State Court    ☐ Civil                      ☐ Criminal    Date(s) \_\_\_\_\_

b. Federal Court    ☐ Civil                      ☐ Criminal    Date(s) \_\_\_\_\_

c. ☐ State Grand Jury                      Date(s) \_\_\_\_\_

d. ☐ Federal Grand Jury                      Date(s) \_\_\_\_\_

e. Briefly describe the nature of the case(s) \_\_\_\_\_

\_\_\_\_\_ f. Was your trial jury able to reach a verdict?    ☐ YES    ☐ NO

If NO, please explain: \_\_\_\_\_

g. Were you ever the foreperson?    ☐ YES    Number of times \_\_\_\_\_    ☐ NO

h. Is there anything about your prior jury service that might make it difficult for you to serve again?

☐ YES                      ☐ NO                      If YES, please explain.

\_\_\_\_\_

\_\_\_\_\_

64. Have you, any family members or close friends ever been an attorney, or ever worked for any private

attorney, city or town attorney, District Attorney, state Attorney General, U.S. Attorney or in a courthouse? ☐ YES ☐ NO If YES, please state who, where and when, and in what capacity.

\_\_\_\_\_  
 \_\_\_\_\_

**NATURE OF EVIDENCE AND CHARGED CRIMES:**

This case involves allegations that members, prospects and associates of Sindicato de Nuevo Mexico / Sindicato de Nuevo Mexico ("SNM") were engaged in acts of violence and other criminal activity.

65. Have you read, seen or heard anything about this case or about the SNM? ☐ YES ☐ NO

If YES, please indicate the source(s). (Check all that apply)

☐ TV news ☐ Newspaper ☐ Radio news ☐ Internet/blogs/Twitter

☐ Other people ☐ Overheard conversations

Other (specify) \_\_\_\_\_

a. What stands out most in your mind about what you have read, seen or heard?

\_\_\_\_\_  
 \_\_\_\_\_ b. How

did you react to what you read, saw or heard?

\_\_\_\_\_  
 \_\_\_\_\_

c. What did you last read, see, or hear about this case?

\_\_\_\_\_  
 \_\_\_\_\_

When and where was that? \_\_\_\_\_

\_\_\_\_\_

66. Do you, or anyone close to you, know any of the persons involved in any way with the events charged in this case? YES NO

If YES, please explain:



67. In such a case, where there are allegations such as conspiracy to murder, murder and drug trafficking, will you have difficulty keeping an open mind until you have heard all the evidence, the arguments of attorneys for both sides and the judge's instructions? ☐ YES ☐ NO

If YES, please explain your reaction and how it may affect you if chosen as a juror.

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68. *A gang member should be legally responsible for the criminal actions that other members commit on orders from the gang leaders.*

☐ *Strongly agree*                      ☐ *Agree*                      ☐ *Agree somewhat*  
☐ *Disagree*                      ☐ *Strongly disagree*

69. During the course of this trial, you may hear evidence from individuals who are testifying with the expectation of obtaining lenient treatment for their own criminal conduct and/or other benefits. How do you feel about that testimony? Please explain.

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a. Would it matter to you that becoming an informant was one of their avenues to avoid the full legal consequences of their actions? ☐ YES ☐ NO Why or why not?

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70. The prosecution will likely introduce into evidence graphic photographs and video recordings of the crimes charged that, as a juror, you would be required to view. These photographs and recordings will not only show the location of the crime, but the traumatic injuries that the victims suffered.

a. Knowing your own sensibilities, do you feel it is possible you would not be able to look at such photographs and video recordings at all, if they were part of the evidence?

☐ YES ☐ NO

b. Do you think your reaction to such graphic images could be so strong as to affect your ability to listen to *all* the evidence and reach a fair and impartial decision whether guilty or not guilty, based on the

entirety of the evidence presented in court and the judge's instructions on the law? ☐ YES ☐ NO

Please explain your concerns, if any, about your ability to view and evaluate all evidence, including any graphic photographs and video.

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71. There may be evidence that victims in this case may be gang members. Will the fact that a victim may be a gang member affect your ability to render a guilty verdict? In other words, do you think that as a gang member they deserve what they get, even if it means being victim of a crime? ☐ YES ☐ NO

NO

If YES, please explain: \_\_\_\_\_

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#### **JURY SERVICE**

72. Do you agree that every juror is entitled to hold his or her own opinions and that differences in individual opinions should be respected ☐ YES ☐ NO

a. Will you expect to be treated with dignity and respect during jury deliberations? And will you likewise treat your fellow jurors with dignity and respect, even if you do not share their view?

☐ YES ☐ NO

b. *Will you stand up for the right of every juror to vote their decisions in the manner they feel is appropriate, even if other jurors disagree with their "vote"?* ☐ YES ☐ NO

*Please explain what you feel it means to you to respect your fellow jurors:*

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73. Do you have any health problems that might make it difficult for you to sit as a juror in this case?

☐ YES ☐ NO If YES, please explain:

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74. Are you taking any medications which might make it difficult for you to sit and listen attentively to testimony for hours at a time? ☐ YES ☐ NO

If YES, please state the medication(s) and the effect on you.

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75. Is there any matter, including your past jury service, that may interfere with your duty as a juror to listen with an open mind to the evidence in this case and render an impartial verdict based solely on the evidence (*or lack thereof*) and the judge's instructions on the law? ☐ YES ☐ NO

If YES, please explain: \_\_\_\_\_

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76. The trial in this case is expected to last approximately six weeks in Las Cruces, New Mexico. Is there anything about the approximate length of time that would not allow you to serve on this jury? ☐ YES ☐ NO

If YES, please explain:

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#### **JUROR'S OATH**

I affirm under penalty of law that I have answered truthfully and completely all questions in this questionnaire. I further declare that I have completed this questionnaire without anyone's assistance.

Signature \_\_\_\_\_

\_\_\_\_\_  
JUROR'S NAME (Please print)

DATE \_\_\_\_\_

Please use this space to complete any answers to questions in the questionnaire. Indicate the number of the question, before continuing with your full answer.